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Docket No. SJO000031US1
Firm No. 0035.0001

REMARKS/ARGUMENTS

Claims 1, 3-17, 19-31, and 33-36 are pending in the application. Claims 1, 4, 11, 17, 20, 25, and 34 have been amended. Reconsideration is respectfully requested. Applicants submit that the pending claims 1, 3-17, 19-31, and 33-36 are patentable over the art of record and allowance is respectfully requested of claims 1, 3-17, 19-31, and 33-36.

Applicants would like to thank Examiner Thomas and Examiner Frenel for holding a telephone interview with their representative Janaki K. Davda on January 22, 2004. Claims 1, 4, and 6 and the cited art were discussed with respect to the cited art. Agreement was not reached.

In paragraph 6, the Office Action rejects claims 1, 3-17, 19-31, and 33-36 under 35 U.S.C. §103(a) as being unpatentable over Lavin et al. (U.S. Patent No. 5,772,585) in view of Brown (U.S. Patent No. 6,032,119). Applicants traverse these rejections for the following reasons.

Claim 1 describes generating an electronic patient data structure consisting of patient identification information, patient biographical information, medical history information including medical event information, medication schedule information, appointment schedule information, and log information (e.g., see Applicants' Specification page 5, line 22-page 7 line20 and FIGs. 2-3); electronically transmitting the patient data structure between a physician computer and a portable patient device, wherein the patient data structure is capable of being modified; and displaying, in the display of the portable computing device, a main menu of selectable views, wherein the selectable views consist of a patient bio view, a medical history view, a patient medication schedule view, an appointment schedule view, and a log view, and wherein the appointment schedule view displayed in the display of the portable computing device differs from the appointment schedule view that is displayable on a display at the physician computer, and wherein direct selection of one of the selectable views results in that selected view

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being displayed independently of the other selectable views (e.g., see Applicants' Specification, page 8, line 3-page 10, line 2 and FIG. 3).

Applicants respectfully submit that neither the Lavin patent, nor the Brown patent, either alone or together teaches or suggests the subject matter of amended claim 1.

For example, claim 1 describes generating an electronic patient data structure consisting of patient identification information, patient biographical information, medical history information including medical event information, medication schedule information, appointment schedule information, and log information. Although the Lavin patent describes various tables (FIGs. 22, 23, and 24), the Lavin patent either alone or in combination with the Brown patent does not describe Applicants' electronic patient data structure.

In addition, the Lavin patent describes a main menu with an appointment button, a patient information button, a clinical button, a reports button, and a utilities button (Col. 5, lines 47-50; FIG. 2). The Lavin patent does not teach or suggest the claimed display of a main menu allowing selection of a patient bio view, a medical history view, a patient medication schedule view, an appointment schedule view, and a log view, wherein direct selection of one of the selectable views results in that selected view being displayed independently of the other selectable views. For example, in the Lavin patent, to access history information, selection of a patient information button is selected (FIG. 2), and then view with a history tab is provided (FIG. 11). The provided view in FIG. 11 includes tabs for other information, such as the patient tab. On the other hand, with the claimed invention, medical history is accessed directly by selecting the medical history view available from the main menu and is displayed independently of other selectable views (e.g., in FIG. 3, selection of the medical history view displays view 44 independently of the patient bio view 42). Thus, the Lavin patent teaches away from the subject matter of claim 1. Also, the cited portion of the Lavin patent (at Col. 6, lines 8-67; Col. 7, lines 12-67 - Col. 8, line 67; Col. 14, lines 48-67 to Col. 15, line 46) describes an appointment screen in FIG. 4, a patient selection screen in FIG. 5, an appointment scheduling routine in FIG. 6, patient screens in FIGs. 7-9, screens for entering patient medical background information in FIGs. 10-11, a vital statistic

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entry screen in FIG. 12, and relationships among tables/screens in FIGs. 22, 23, and 24. Again, this description does not teach or suggest display of a main menu allowing selection of a patient bio view, a medical history view, a patient medication schedule view, an appointment schedule view, and a log view.

In the Brown patent, FIGs. 5A - 5G are schematic depictions of screen shots. (Col. 6, lines 19-21) The Brown patent describes that the display comprises several sections: a body image section, a log book section, a blood glucose center section, a feedback section, and a mail center section. (Col. 6, lines 46-51) In the Office Action, the Examiner submits that the Brown patent's description of the body image (FIG. 4-B), the blood glucose center (FIG. 4-C), logbook (FIG. 4-D), mail center (FIG. 4-E), Health Avatar (FIG. 5-A), and log book functions (FIG. 5-B) teaches the claimed invention. Applicants' traverse. For example, the claimed invention allows a user to access an appointment schedule view from the main menu. On the other hand, the Brown patent requires selection of a log book in order to be able to access the appointment schedule view. This teaches away from Applicants' claimed invention. Also, to obtain historical information on a body part, that body part is selected (FIG. 5F), and then a history button is selected (FIG. 5F). Again, this teaches away from displaying a medical history view in the main menu of selectable views. That is, with the claimed invention, medical history is accessed directly by selecting the medical history view available from the main menu. Thus, the Brown patent does not teach or suggest the claimed display of a main menu of selectable views, wherein the selectable views comprise a patient bio view, a medical history view, a patient medication schedule view, an appointment schedule view, and a log view. Instead, the Brown patent teaches away from the subject matter of claim 1.

Even if combined, the Lavin patent and the Brown patent do not teach or suggest the subject matter of claim 1. For example, the Lavin patent describes a main menu with an appointment button, a patient information button, a clinical button, a reports button, and a utilities button, while the Brown patent describes display of a body image section, a log book section, a blood glucose center section, a feedback section, and a mail center section. Even if

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combined, the result of combining the Lavin and Brown patents would be a main menu with *an appointment button, a patient information button, a clinical button, a reports button, a utilities button, a body image section, a log book section, a blood glucose center section, a feedback section, and a mail center section*. Applicants' claimed main menu allows selection of a patient bio view, a medical history view, a patient medication schedule view, an appointment schedule view, and a log view, wherein direct selection of one of the selectable views results in that selected view being displayed independently of the other selectable views.

Independent claims 11, 17, 25, and 31 are not taught or suggested by the Lavin or Brown patents, either alone or in combination for at least the same reasons as were discussed with respect to claim 1.

Dependent claims 3, 6-7, 10, 12, 14, 19, 23-24, 26, 31, 33, and 36 incorporate the language of independent claims 1, 11, 17, 25, and 31, respectively, and add additional novel elements. Therefore, dependent claims , 6-7, 10, 12, 14, 19, 23-24, 26, 31, 33, and 36 are not taught or suggested by the Lavin or Brown patents, either alone or in combination for at least the same reasons as were discussed with respect to independent claim 1.

Claims 4, 20, and 34 describe setting an alarm to activate to provide an alert of one scheduled patient medication or appointment, wherein the alarm is set by a patient for whom the alert is scheduled and who is using the patient portable device. The Examiner appears to indicate that the allergy alert screen is equivalent to setting an alarm to activate to provide an alert of a scheduled patient medication or appointment. Applicants traverse. The Lavin patent describes at Col. 14, lines 1-2 an allergy alert screen. An allergy alert screen that alerts the physician of potential or known allergies (Col. 13, lines 65-67- Col. 14, line 1) does not teach or suggest an alarm set by a patient to provide an alert for taking scheduled medication or for an appointment.

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Conclusion

For all the above reasons, Applicants submit that the pending claims 1, 3-17, 19-31, and 33-36 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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By: _____

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